

ORDINANCE NO. 2015-15

AN ORDINANCE THAT INCLUDES CITY CODE AMENDMENTS

MODIFYING HEARING EXAMINER PROCEDURES (2.12, 2.16);

MODIFYING ADMINISTRATIVE RECREATIONAL VEHICLE PERMITS (2.14);

MODIFYING WEEDS AND BRUSH STANDARDS (10.38, 10.39, 10.40);

MODIFYING HISTORICAL PRESERVATION (15.15, 15.16, 15.18, 15.19);

MOVING DRIVEWAY PERMIT FEE TO CHAPTER 21 (15.187, 21.502.01);

DELETING GENERAL BUSINESS (B-3) AND REFERENCE THERETO (19.32);

MODIFYING LANDSCAPING STANDARDS (19.52);

MODIFYING TOWER STANDARDS (19.63.05);

MODIFYING EXTERIOR MATERIALS AND FINISH STANDARDS (19.63.08);

MODIFYING SHORE AREA PERMITS PROCESS (19.87.04);

ADDING NEW SIGN TYPE DEFINITIONS (19.104);

**MODIFYING SIGN REGULATIONS (19.105, 19.107, 19.110, 19.111, 19.112, 19.113, 19.114,
19.115.02, 19.121, 19.122, 19.123, 19.124, 19.125.02, 19.126.4);**

CLARIFYING PARKING STANDARDS (21.301.06);

MODIFYING FENCE STANDARDS (21.301.08);

MODIFYING HEIGHT LIMITS (21.301.10);

MODIFYING ACCESSORY STRUCTURE STANDARDS (21.301.19);

ADDING GARAGES TO SINGLE-FAMILY RESIDENTIAL STANDARDS (21.302.07);

CLARIFYING REVIEW OF FINAL SITE AND BUILDING PLANS (21.501.01);

CLARIFYING TIME EXTENSION ON APPLICATIONS (21.502.01);

DELETING PENN AMERICAN DISTRICT MORATORIUM (21.505);

MODIFYING PLATTING PROCESS AND FEES (22.04, 22.05, 22.06, 22.08); AND

**CORRECTING CROSS-REFERENCES IN MULTIPLE SECTIONS OF THE CHAPTERS LISTED
AS BEING AMENDED;**

THEREBY AMENDING CHAPTERS 2, 10, 12, 14, 15, 19, 21, AND 22 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 2 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 2 ADMINISTRATION

ARTICLE II. ADMINISTRATIVE CODE

SEC. 2.12. HEARING PROCEDURES.

(b) **Conduct of Hearing.**

- (1) Application shall be filed with the Department of Community Development and shall be referred to the Hearing Examiner for consideration.
- (2) ~~[The hearing shall be conducted no longer than 13 working days from the date of filing]~~The Hearing Examiner shall conduct a Public Hearing at a regular meeting in accordance with the agency action timeline.
- (3) Notice of Hearing. ~~[Notice of hearing shall be given to the affected property owners, as far as practicable, at least 72 hours prior to the date of the hearing.]~~Written notice shall be mailed to the applicant and property owners within 200 feet of the affected site at least ten days prior to the date of the hearing.

- (c) **Decision.** The hearing examiner shall make ~~[his]~~their decision supported by reasons specifically related to the applicable findings and requirements of the City Code. In the case of approval, the decision, along with a record of the proceedings, shall be forwarded for City Council action at its next practical regular meeting unless an aggrieved party wishes to appeal the decision to approve. In that case, the appeal will be heard by the Planning Commission pursuant to paragraph (d) below. Denials will be final unless appealed by an aggrieved party.
- (d) **Appeal.** All parties aggrieved by the proceeding shall have the right to appeal the decision of the hearing examiner within ~~[ten]~~three days to the Planning Commission pursuant to the provisions of Section 2.98.01 of this Code.

SEC. 2.14. ADMINISTRATIVE RECREATIONAL VEHICLE PERMITS.

- (c) Recreational vehicle permits for outside storage of recreational vehicles granted under the provisions of this Section shall be valid for periods not exceeding three years. No administrative application for outside storage of a recreational vehicle shall be accepted unless written consent of all adjacent and affected residential property owners has been submitted. For the purposes of this provision, "adjacent and affected residential property" means those property or properties, used for residential purposes, which:
- (1) abut the proposed recreational vehicle storage location, or
 - (2) are within 100 feet of the proposed storage location and from which the recreational vehicle would be visible.
- (d) If the applicant is unable to obtain written consent of all adjacent and affected residential property owners, the application for outside storage of a recreational vehicle may be submitted to the Planning Commission and City Council pursuant to the provisions of Sections 19.17 through 19.21 of this Code.
- (e) Written notice of any administrative hearing shall be mailed to all property owners within 200 feet of the property where the recreational vehicle is to be parked or stored.

SEC. 2.16. HEARING PROCEDURES.

(a) **Conduct of Hearing.**

- (1) Application shall be filed with the Department of Community Development and shall be referred to the Hearing Examiner for consideration.
- (2) ~~[The hearing shall be conducted no longer than 13 working days from the date of filing]~~ The Hearing Examiner shall conduct a Public Hearing at a regular meeting in accordance with the agency action timeline.
- (3) Notice of Hearing. ~~[Notice of hearing shall be given to the affected property owners, as far as practicable, at least 72 hours prior to the date of the hearing.]~~ Written notice shall be mailed to the applicant and property owners within 200 feet of the site at least ten days prior to the date of the hearing. A notice of the time, place and purpose of the hearing shall also be published in the City's official newspaper at least ten (10) days prior to the day of the hearing.

- (b) **Recommendations.** Except as provided in paragraph (c), the hearing examiner shall make a recommendation supported by reasons specifically related to the applicable findings and requirements of the City Code. In the case of approval, the recommendation, along with a record of the proceedings, shall be forwarded to the City Council for consideration unless an aggrieved party wishes to appeal the recommendation to approve. Denials will be final unless appealed by an aggrieved party within the notice area.
- (c) **Decisions.** For the types of ~~[conditional use]~~ recreational vehicle permits specified in Section 2.14, the hearing examiner is authorized to grant final approval without review by the City council unless an aggrieved party within the notice area wishes to appeal the recommendation to approve. In that case, the appeal will be heard by the Planning Commission pursuant to paragraph (d) below. ~~[When the hearing examiner grants final approval, such final approval shall not become effective for seven (7) days after the date that the decision of the hearing examiner has been mailed to all adjacent property owners. Adjacent and affected property owners shall have the opportunity to appeal the approval to the Planning Commission and City Council.]~~ Upon expiration of the ~~[seven]~~three day waiting period, the hearing examiner shall notify the applicant in writing that the decision is final and effective.
- (d) **Appeal.** Any ~~[party aggrieved by the proceeding]~~aggrieved party within the notice area shall have the right to appeal the recommendation or decision of the hearing examiner within ~~[ten (10)]~~three days to the Planning Commission and City Council pursuant to the provisions of Sections 19.16 through 19.22 of this Code.

Section 2. That Chapter 10 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 10 ENVIRONMENTAL CONTROL

ARTICLE VI. WEEDS AND BRUSH

SEC. 10.38. NUISANCE.

- (a) **Weeds and Grass.** All weeds or growing grass upon any lot or parcel of land in the City of Bloomington to a height greater than ~~[one foot]~~eight inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and ~~[dangerous to the health, safety, and]~~a detriment to the good order of the City with the following exceptions:
 - (1) native prairie and long grass areas shown on an approved landscape plan in accordance with Section 19.52,
 - (2) native prairie and long grasses within a defined landscape area on a single or two-family residential parcel, provided that such defined landscape area:

- (A) occupies no more than fifty percent of the pervious surface area of the parcel excluding natural wooded areas, wetlands, water bodies, rain gardens, lakescaping, and scenic easements;
- (B) is set back from property lines by at least five feet. The setback is not required where the defined landscape area abuts another similar private or public landscape area, a wetland, pond, lake or stream or if a fully opaque fence at least four feet in height is installed along the lot line adjoining the planned landscape area.
- (C) is maintained at least once per year through mowing or, if appropriate permits are obtained through the City Fire Marshal, burning;
- (3) natural wooded areas;
- (4) wetlands, ponds or rain gardens;
- (5) lakescaping areas as defined in Section 19.03; and
- (6) areas where mowing is prohibited by easement or law.

SEC. 10.39. NOTICE.

When the owner and/or occupant permits a nuisance to exist in violation of Section 10.38 of this Article, the Environmental Health Manager, or designated employee, shall serve a notice on the owner, occupant, or agent of the owner of such lot or parcel of land ordering such person to have such brush, yard waste, or weeds or long grass cut and removed~~[- or otherwise eradicated]~~, or removed within ~~[ten]~~seven days after the service of such notice; such notice shall also state that in the event of noncompliance, removal will be done by the City of Bloomington at the owner's expense. The notice of the cost of abatement shall also inform the owner of the owner's right to appeal the fee under Section 1.17 of the City Code. When no owner, occupant, or agent of the owner can be found, notice shall be sent by regular mail to the person who is listed on the records of County Auditor or County Treasurer as the owner; service will be complete with mailing.

SEC. 10.40. ASSESSMENT.

- (c) An inspection charge of ~~[\$65.00]~~\$100.00 shall be due upon the mailing of the City invoice to the property owner.

Section 3. That Chapter 12 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 12 PUBLIC PEACE AND SAFETY

ARTICLE I. GENERAL PROVISIONS

SEC. 12.01.01. DEFINITIONS.

- (k) **Nuisance Service Call** -Public Officer response to a verified incident of any activity, conduct or condition occurring on Private Property that is likely to unreasonably interfere with the quiet enjoyment of neighboring properties or the safety, health, morals, welfare, comfort, or repose of the residents therein or misuse City resources, including without limitation:

- (31) Illegal home occupation in violation of Sections ~~[19.27 — 28]~~21.209 or 19.63.09(a)(2) of this City Code.

ARTICLE II. NUISANCE CONDUCT AND CONDITIONS

Division O. Smoking Prohibited

SEC. 12.81. PROHIBITIONS.

(c) The prohibitions of this Section do not apply to:

- (5) Smoking shelters. Smoking shelters must comply with the performance standards for accessory buildings set forth in Section ~~[19.50.02]~~21.301.19 of the City Code, provided that the maximum size of smoking shelters shall be 200 square feet and smoking shelters may be located in side yards.

Section 4. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 14 LICENSES AND PERMITS

ARTICLE IV. BUSINESS LICENSES AND REGULATIONS

Division I. Laundromats

SEC. 14.246. ADDITIONAL REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS.

In addition to the above requirements, all commercial establishments shall comply with the following:

- (g) **Parking** - Minimum number of automobile parking spaces shall be provided on the premises as required by Chapter ~~[19.01]~~21 of this Code. Parking areas must meet the performance standards set out in Section ~~[19.54]~~21.301.06 of this Code.

ARTICLE V. FOOD ESTABLISHMENT, LODGING ESTABLISHMENT AND PUBLIC POOL REGULATIONS

Division A. Reserved.

SEC. 14.444. DEFINITIONS.

- (e) **Lodging Establishment** - A "Lodging Establishment" is defined in Minnesota Statutes, Section 157.~~[22]~~15. Lodging establishments include, but are not limited to, hotels, motels, lodging houses, and boarding houses. Lodging establishments do not include rental dwellings as discussed in Section 14, Article VIII Rental Housing Code of this City Code.

Section 5. That Chapter 15 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 15 BUILDINGS AND STRUCTURES

ARTICLE II. HISTORICAL PRESERVATION

SEC. 15.15. DEFINITIONS.

The following words and terms as used in this Article shall have the following meanings unless the context clearly indicates otherwise:

Bloomington Historical Register - a ranked listing of burial ground ~~[prehistoric]~~ and historic sites which is hereby incorporated and made a part of this Article as if set out in full.

~~[Prehistoric Site]~~ **Burial Ground Site** - consists primarily of burial mounds and related earthworks that contain or has a high potential to contain human remains based on physical evidence and historical records and includes, without limitation, the Burial Ground sites ~~[classified as such]~~ in the Bloomington Historical Register.

SEC. 15.16. STANDARDS.

- (a) **Burial Ground Sites.** Except as otherwise expressly permitted, no person shall demolish, move, or materially alter a Burial Ground ~~[prehistoric]~~ site.

SEC. 15.18. PERMITS FOR BURIAL GROUND PREHISTORIC, CLASS I, AND CLASS II SITES.

- (a) **Certificate of Appropriateness.**
- (1) Burial Ground ~~[Prehistoric]~~ and Class I Sites - An owner or person in charge of a Burial Ground ~~[Prehistoric]~~ or Class I site may apply to the Issuing Authority of the City for a Certificate of Appropriateness to demolish, move, or materially alter the exterior of an improvement on the site or to construct new improvements.

SEC. 15.19. NOTIFICATION.

The City shall make a bona fide attempt to notify the owners of all Burial Ground ~~[Prehistoric]~~, Class I, and Class II sites of the passage of this Article, of its provisions, and of the penalty for a violation thereof.

ARTICLE IX. LICENSES AND PERMITS

SEC. 15.187. ~~[DRIVEWAY PERMIT FEE]~~RESERVED.

~~[The fee for a driveway permit shall be \$55.]~~

Section 6. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 19 ZONING

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

SEC. 19.24. ZONING DISTRICTS AND ZONING DISTRICT ORDINANCES AND MAPS.

- (a) **Zoning Districts.** For the purpose of this Code, the City is hereby organized into the following primary zoning districts:

- (3) **Neighborhood Commercial Districts -**
Neighborhood Office B-1 District
General Commercial B-2 District
~~[General Business B-3 District]~~
Neighborhood Commercial Center B-4 District

SEC. 19.32. ~~RESERVED.~~~~[GENERAL BUSINESS (B-3) DISTRICTS.~~

- (a) ~~**Purpose** To provide centralized areas for businesses that do not belong in shopping centers, and for highway or automobile-oriented businesses.~~

(b) ~~**Permitted uses**~~

- ~~(1) Retail sales.~~
- ~~(2) Service stations.~~
- ~~(3) Offices, Business and Profession.~~
- ~~(4) Business Services.~~
- ~~(5) Personal Services.~~
- ~~(6) Licensed therapeutic massage enterprises.~~
- ~~(7) Public and Public Utility Uses.~~
- ~~(8) Licensed currency exchange businesses.~~

(c) ~~**Permitted accessory uses**~~

- ~~(1) Reserved.~~
- ~~(2) Off street parking and off street loading.~~
- ~~(3) Class II motor vehicle sales accessory to Class I motor vehicle sales.~~
- ~~(4) Repair of motor vehicles accessory to Class I motor vehicle sales.~~

(d) ~~**Conditional uses**~~

- ~~(1) Car washes.~~
- ~~(2) Class I motor vehicle sales.~~
- ~~(3) Restaurants, including drive-in and take-out restaurants.~~
- ~~(4) Reserved.~~
- ~~(5) Pawn shops, subject to requirements provided in Chapter 14. Licenses and Permits.~~
- ~~(6) Commercial recreation.~~
- ~~(7) Vehicle rental accessory to Class I Motor Vehicle Sales subject to the regulations set forth in Section 19.63.07(e).~~
- ~~(8) Towers. For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.~~

(e) ~~**Special Provisions**~~

- ~~(1) Exterior Materials. The exterior materials and finish of all buildings erected on lands within General Business (B-3) Zoning Districts shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.~~
- ~~(2) Reserved.~~
- ~~(3) Structure height shall be regulated pursuant to Section 21.301.10 of this Code.~~

- (f) ~~**Sign Regulations.** Refer to Article X of this Chapter.]~~

SEC. 19.40.08. COMMERCIAL OFFICE DISTRICTS CO-0.5 AND CO-1

(e) **Interim Uses.**

- (2) **Standards.** In addition to standards in Section ~~[19.23.03]~~ 21.501.05, the following standards also apply to interim uses in the Commercial Office Districts CO-0.5 and CO-1.

ARTICLE IV. DISTRICT REGULATIONS

SEC. 19.41. MINIMUM DISTRICT REQUIREMENTS.

(a) **RESERVED.**

(b) **RESERVED.**

(c) **Nonresidential development -**

	[General Business (B-3)]	General Industry (I-3)	Freeway Dvlpmt (FD-2)	Limited Industry (I-2)	Ind. Park (I-1), Frwy. Dev. (FD-1)
Lot width	[100 feet]	100 feet	---	---	---
Lot area	[—]	---	1 Acre	2 Acres	3 Acres
Floor area of principal building (sq. ft.)	[—]	---	10,000	10,000	20,000
Front-yard setback	[65 feet]	35 feet	35 feet	35 feet	60 feet
Side-yard setback	[10 feet]	10 feet	25 feet	25 feet	60 feet
Rear-yard setback	[15 feet]	25 feet	25 feet	25 feet	25 feet
Side or rear-yard adjoining street	[65 feet]	35 feet	35 feet	35 feet	60 feet

ARTICLE V. PERFORMANCE STANDARDS

SEC. 19.52. LANDSCAPING AND SCREENING.

(c) **Landscaping Standards.**

- (2) Minimum Number of Trees and Shrubs. Excluding exceptions specified below in Section 19.52(c)(2)(E), development must at a minimum provide the following numbers of trees and shrubs:
- (A) One tree per 2,500 square feet of Developable Landscaping Area and
 - (B) One shrub per 1,000 square feet of Developable Landscaping Area.
 - (i) Up to 50 percent of the required shrubs may be perennial plants.
 - (ii) Four perennial plants equal one shrub.

SEC. 19.63.05. TOWERS.

- (j) **Associated Equipment.** Ground equipment associated with a tower or wireless telecommunications facility shall be screened by vegetative or other screening compatible with the surrounding environment if deemed necessary by the Planning Manager or designee. When associated ground equipment is housed in a building or structure, that building or structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum tower setback requirements as outlined in Section 19.63.05(f).~~[of the underlying zoning district.]~~ Ground equipment associated with a wireless telecommunications facility may be located on residentially used property only within a utility easement adjacent to the public right-of-way and in conformance with the limitations discussed in Section 17.70(d)(3), except in the multi-family zoning districts (R-4, RM-12, RM-24, and RM-50) where ground equipment associated with a wireless telecommunications facility may also be located within a code complying building or structure after receiving the approvals required by this Code.

SEC. 19.63.08. EXTERIOR MATERIALS AND FINISH.

- (b) The following regulations apply to all nonresidential primary and accessory buildings and their additions in the following zoning districts:
- Single-family Residential R-1 Districts
 - Single-family Residential R-1A Districts
 - Large Lot Single-family Residential RS-1 Districts
 - Townhouse Residential R-3 Districts
 - Multiple-family Residential R-4 Districts
 - Multiple-family Residential RM-12 Districts
 - Multiple-family Residential RM-24 Districts
- (1) **Coating of Exterior Walls.** No existing uncoated exterior wall finish material approved by the City Council as part of a development approval process shall be coated after the effective date of this Ordinance except for the following:

- (C) ~~[Architectural trim]~~Secondary materials may be coated or sealed.
 - (D) All exterior wall surfaces and ~~[architectural trim]~~secondary materials that were coated prior to the effective date of this Ordinance or allowed to be coated after that date by reason of the granting of development approval, administrative approval, or a variance may be maintained, to include, sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the Issuing Authority.
- (c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:
- Multiple-family Residential RM-50 Districts
 - Multiple-family Residential RM-100 Districts
 - Neighborhood Office B-1 District
 - General Commercial B-2 District
 - ~~[General Business B-3 District]~~
 - Neighborhood Commercial Center B-4 District
 - Freeway Office and Service C-1 District
 - Freeway Commercial C-2 District
 - Freeway Commercial Center C-3 District
 - Freeway Office C-4 District
 - Freeway Mixed Use C-5 District

Regional Commercial CR-1 District
Freeway Development FD-1 and FD -2 Districts
Commercial Service CS-0.5 and CS-1 Districts
Commercial Office CO-0.5, CO-1 and CO-2 Districts
Residential Office RO-24 and RO-50 Districts
High Intensity Mixed Use With Residential HX-R District
Lindau Mixed Use LX District

- (2) **Coating of Exterior Walls.** No existing uncoated exterior wall finish material regulated by this Section shall be coated after the effective date of this Ordinance except for the following:

- (C) ~~[Architectural trim]~~Secondary materials as listed in Section 19.63.08(c)(3) may be coated or sealed.
- (D) All exterior wall surfaces and ~~[architectural trim]~~secondary materials that were coated prior to the effective date of this Ordinance or allowed to be coated after that date by reason of the granting of development approval, administrative approval, or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the Issuing Authority.
- (E) Murals are counted as ~~[architectural trim]~~a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation.

- (3) **~~[Architectural Trim]~~Secondary Materials.** ~~[When used as architectural trim, u]~~Up to 15 percent of the exterior wall surface of a building elevation may be secondary materials, such as, wood, metal, exterior insulation finish system (EIFS), or other equivalent material as approved by the Issuing Authority.
- (4) **Canopies and Awnings.** Up to 15 percent of the exterior wall surface of a building elevation may be covered by canopies and/or awnings intended to provide aesthetic embellishment, shade or weather protection. Exterior wall surface materials covered by canopies or awnings must meet the applicable requirements of Section 19.63.08 and, depending on the wall surface material, count as ~~[architectural trim]~~secondary materials. Canopies and awnings must meet all applicable building code requirements to ensure proper installation.

- (d) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

Industrial Park I-1 District
Limited Industrial I-2 District
General Industrial I-3 District
Industrial Park IP District

- (1) **Exterior Wall Finish.**

- (B) Buildings which do not currently comply with the exterior wall finish materials regulated by this Section may be expanded using identical exterior wall finish materials with the approval of the Issuing Authority, provided that:
- (i) More than 50 percent of the total exterior wall surface area of the existing building, excluding ~~[architectural trim]~~secondary materials as listed in Section 19.63.08(d)(3), does not comply with the exterior wall finish materials regulated by this Section;

- (2) **Coating of Exterior Walls.** No existing uncoated exterior wall finish material regulated by this Section shall be coated after the effective date of this Ordinance, except for the following:

- (D) ~~[Architectural trim]~~Secondary materials as listed in Section 19.63.08(d)(3) may be coated or sealed.
 - (E) All exterior wall surfaces and ~~[architectural trim]~~secondary materials that were coated prior to the effective date of this Ordinance or allowed to be coated after that date by reason of the granting of development approval, administrative approval, or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the Issuing Authority.
 - (F) Murals are counted as ~~[architectural trim]~~ a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation.
- (3) ~~[Architectural Trim]~~**Secondary Materials.** ~~[When used as architectural trim, u]~~Up to 15 percent of the exterior wall surface of a building elevation may be secondary materials, such as, wood, metal, exterior insulation finish system (EIFS), or other equivalent material as approved by the Issuing Authority.
- (4) **Canopies and Awnings.** Up to 15 percent of the exterior wall surface of a building elevation, not counting ~~[architectural trim]~~secondary materials, may be covered by canopies and/or awnings intended to provide aesthetic embellishment, shade or weather protection. Exterior wall surface materials covered by canopies or awnings must meet the applicable requirements of Section 19.63.08 and, depending on the wall surface material, count as ~~[architectural trim]~~secondary materials. Canopies and awnings must meet all applicable building code requirements to ensure proper installation.
- (e) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:
Mixed Use CX-2 District

- (2) **Coating of Exterior Walls.** No existing uncoated exterior wall surface material regulated by this Section shall be coated after the effective date of this Ordinance except for the following:

- (C) ~~[Architectural trim]~~Secondary materials as listed in Section 19.63.08(e)(3) may be coated or sealed.
 - (D) All exterior wall surfaces and ~~[architectural trim]~~secondary materials that were coated prior to the effective date of this Ordinance or allowed to be coated after that date by reason of the granting of development approval, administrative approval, or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the Issuing Authority.
 - (E) Murals are counted as ~~[architectural trim]~~a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation.
- (3) ~~[Architectural Trim]~~**Secondary Materials.** ~~[When used as architectural trim, u]~~Up to 15 percent of the exterior wall surface of a building elevation may be secondary materials, such as, wood, metal, exterior insulation finish system (EIFS) when less than 18 feet above grade level, or other equivalent material as approved by the Issuing Authority.
- (4) **Canopies and Awnings.** Up to 15 percent of the exterior wall surface of a building elevation, not counting ~~[architectural trim]~~secondary materials, may be covered by canopies and/or awnings intended to provide aesthetic embellishment, shade or weather protection. Exterior wall surface materials covered by canopies or awnings must meet the applicable requirements of Section 19.63.08 and, depending on the wall surface material, count as ~~[architectural trim]~~secondary materials. Canopies and awnings must meet all applicable requirements to ensure proper installation.

ARTICLE IX. SHORE AREA REGULATIONS.

SEC. 19.87.04. USE, DEVELOPMENT, AND ALTERATION OF SHORE AREAS; PERMITS.

(h) Shore area permits.

- (5) Whenever another development application (e.g. final site and building plans, planned developments) on the same project is required, both the shore area permit and development application may occur concurrently through their respective review process.

ARTICLE X. SIGN REGULATIONS

Division B. Construction of Language and Definitions

SEC. 19.104. DEFINITIONS.

The following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

Access door sign – a sign placed on an accessory door, which serves to identify a business access.

Channel sign – individually shaped three dimensional letters and symbols that can be mounted onto a building or raceway.

Division C. General Regulations

SEC. 19.105. REGULATED SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.

(c) Regulated Signs Exempt From Permit Requirements.

- (22) Access door signs on multiple tenant buildings are exempt from obtaining a permit, provided one sign, under two square feet, per access door.

SEC. 19.107. COMPUTATIONS.

- (b) **Computation of Sign Surface Area of Individual Signs of ~~Individually Mounted Letters or Symbols~~ Channel Construction.** When a sign is composed of individually mounted letters or symbols, the sign surface area shall be determined by means of the total of the smallest contiguous square, circle, rectangle, triangle or combination thereof that will encompass each letter, representation, emblem or other display. See Section 19.126.4 for graphic illustration.

Division D. District Provisions

SEC. 19.110. CLASS I SIGN DISTRICTS (R-1, R-1A, RS-1, SC).

- (b) **Regulations for Building Identification Signs.** All building identification signs shall be located on the site of the use and are subject to any additional provisions of Section 19.108(h), "Basic Design Elements for Specific Building Identification Signs".

(1) **Wall Signs.**

(A) **Maximum Size and Number of Signs.**

- (i) Residential uses: Wall signs shall not be permitted.
- (ii) Non-residential uses:
 - (aa) In addition to the permitted freestanding sign for a public street frontage, a non-residential use in a single family residential district may elect to have one wall sign oriented towards that public street frontage. The maximum allowable sign surface area for the wall sign shall be 24 square feet; the wall sign shall be ~~[individual letters]~~channel construction and may include one logo or tag line of cabinet construction incorporated into each wall sign, anywhere within the allowed sign area up to a maximum of 25 percent of the sign, installed pursuant to Section 19.108(c)(2).
 - (bb) One (1) wall entrance sign of twelve (12) square feet of ~~[individual letters]~~channel construction may be placed adjacent to any entrance to the non-residential use.

SEC. 19.111. CLASS II SIGN DISTRICTS (R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24, RO-50).

- (b) **Regulations for Building Identification Signs.** All building identification signs shall be located on the site of the use and are subject to any additional provisions of Section 19.108(h), "Basic Design Elements for Specific Building Identification Signs".

- (1) **Wall Signs.** In lieu of a permitted freestanding sign for a street frontage, the use may elect to have one wall sign oriented towards that street frontage.

(A) **Maximum Size and Number of Signs.** The maximum allowable sign surface area for the wall sign shall be 24 square feet; the wall sign shall be ~~[individual letters]~~channel construction and may include one logo or tag line of cabinet construction incorporated into each wall sign, anywhere within the allowed sign area, up to a maximum of 25 percent of the sign installed.

SEC. 19.112. CLASS III SIGN DISTRICTS (B-1, I-1).

- (b) **Regulations for Building Identification Signs.** All building identification signs shall be located on the site of the use and are subject to any additional provisions of Section 19.108(h), "Basic Design Elements for Specific Building Identification Signs".

(1) **Wall Signs.**

- (B) **Maximum Size of Signs.** The maximum allowable sign surface area for the wall sign shall be 100 square feet; the wall sign shall be ~~[individual letters]~~channel construction and may include one logo or tag line of cabinet construction incorporated into each wall sign,

anywhere within the allowed sign area, up to a maximum of 25 percent of the sign installed.

SEC. 19.113. CLASS IV SIGN DISTRICTS (B-2, [B-3,] C-1, C-4, IP, I-2, I-3, CO-0.5, CO-1, CS-0.5, CS-1, FD-1, FD-2).

(b) Regulations for Building Identification Signs.

(1) General Requirements.

(A) All building identification signs shall be located on the site of the use.

(2) Wall Signs.

(A) General Regulations.

(ii) Wall signs are permitted on ~~[a maximum of]~~ two elevations of a building, a primary and a secondary elevation. Designation of the elevations as primary and secondary elevations shall be selected by the site owner and specified in the Uniform Sign Design for the site. A building with more than one public street frontage is permitted one primary elevation per street frontage; no secondary elevation signage is allowed if the site has more than one primary elevation utilizing signage.

(iii) Buildings that have three or more elevations with separate ground level exterior public entrances for tenancy may elect to have wall signs on each elevation with an exterior public tenant entrance subject to the following:

(aa) Two elevations with separate ground level exterior public entrances must be designated as primary or secondary elevations as described in (A)(ii) above.

(bb) The remaining elevations with separate ground level exterior public entrances must be designated as additional elevations by the site owner and specified in the Uniform Sign Design for the site.

(B) Maximum Size of Signs.

(i) **Primary Elevation.** The maximum sign surface area for all wall signs on each primary elevation shall not exceed one (1) of the following:

(aa) For a single tenant building:

(CC) If ~~[individually mounted letters are]~~ channel construction is used for all the signs, the maximum area of all signs on the primary elevation shall be determined in accordance with Table 19.113.1.

(bb) For a multiple tenant building:

(BB) If ~~[individually mounted letters are]~~ channel construction is used for all of the signs, the maximum area of all signs on the primary elevation shall be determined in accordance with Table 19.113.1.

(ii) **Secondary Elevation.** The maximum sign surface area for all building identification signs on the secondary elevation shall not exceed the signage on the primary elevation and shall not exceed one (1) of the following:

(aa) For a single tenant building:

- (CC) If ~~[individually mounted letters are]~~channel construction is used for all of the signs, the maximum area of all signs on the secondary elevation shall be ten percent (10%) of the elevation up to a maximum of four hundred (400) square feet.
- (bb) For a multiple tenant building:

- (BB) If ~~[individually mounted letters are]~~channel construction is used for all of the signs, the maximum area of all signs on the secondary elevation shall be determined in accordance with Table 19.113.2.

- (iii) **Additional Elevation.** The maximum sign surface area for all building identification signs on the additional elevation shall not exceed the signage on the primary or secondary elevations and shall not exceed 30 square feet per tenant sign.

SEC. 19.114. CLASS V SIGN DISTRICTS (CR-1, C-2, C-3).

- (b) **Regulations for Building Identification Signs.**
- (1) **General Regulations.**

- (G) Buildings that have three or more elevations with separate ground level exterior public entrances for tenancy may elect to have wall signs on each elevation with an exterior public tenant entrance subject to the following:
- (i) Two elevations with separate ground level exterior public entrances must be designated as primary or secondary elevations as described in (2)(A) below.
- (ii) The remaining elevations with separate ground level exterior public entrances must be designated as additional elevations by the site owner and specified in the Uniform Sign Design for the site.
- (2) **Wall Signs.**
- (A) **Maximum Area of Signs for a Building.** The maximum area of sign for a building shall be determined by adding together the allowed area for wall signs on one (1) primary elevation and the allowed area for wall signs on one (1) secondary elevation. Designation of the building elevations as primary and secondary elevations shall be selected by the site owner and specified in the Uniform Sign Design. A building that has direct frontage on more than one (1) public street shall be allowed two (2) primary elevations for the computation of the maximum area of signs for a building; no secondary elevation signage is allowed if the building has more than one (1) primary elevation for signage. The maximum area of signs for a building shall be computed per building and is not transferable from one building to another. There is no limit on the number of signs allowed within the maximum area of signs for a building.
- (i) **Primary Elevation.** The maximum sign surface area for building identification signs shall not exceed one of the following:
- (aa) For a single tenant building:

- (CC) If ~~[individually mounted letters are]~~channel construction is used for all of the signs, the maximum area of allowed signs on a primary elevation shall be determined in accordance with Table 19.114.1.
- (bb) For multiple tenant building:

(CC) If ~~[individually mounted letters are]~~channel construction is used for all of the signs, the maximum area of allowed signs on a primary elevation shall be determined in accordance with Table 19.114.1.

- (ii) **Secondary Elevation.** The maximum sign surface area for building identification signs shall not exceed one of the following:
- (aa) For a single tenant building:

- (CC) If ~~[individually mounted letters are]~~channel construction is used for all of the signs, the maximum area of allowed signs on the secondary elevation shall be determined in accordance with Table 19.114.2.
- (bb) For multiple tenant building:

(CC) If ~~[individually mounted letters are]~~channel construction is used for all of the signs, the maximum area of allowed signs on the secondary elevation shall be determined in accordance with Table 19.114.2.

- (iii) **Additional Elevation.** The maximum sign surface area for all building identification signs on the additional elevation shall not exceed the signage on the primary or secondary elevations and shall not exceed 30 square feet per tenant sign.

- (6) **Awning Signs.** No awning shall be installed without approval of or revision to the Final Site and Buildings Plans or Final Development Plans. Any elevation approved for an awning shall be permitted awning signage.

- (D) **Other.**
- (i) No awning sign shall be allowed above the first floor of the building.
- (ii) No awning shall be installed without approval of or revision to the Final Site and Building Plans. See Section ~~[49.40.12]~~21.501.01.

- (7) **Canopy Signs.** No canopy shall be installed without approval of or revision to the Final Site and Building Plans or Final Development Plans. Any elevation approved for a canopy shall be permitted canopy signage.

- (D) No canopy shall be installed without approval of or revision to the Final Site and Building Plans. See Section ~~[49.40.12]~~21.501.01.

SEC. 19.115.02. CLASS VIII SIGN DISTRICTS (B-4, C-5, LX).

- (b) **Regulations for Building Identification Signs.**

- (2) **Wall Signs.**

(B) **Maximum Size of Signs.**

(i) **Primary Elevation.** The maximum sign surface area for all wall signs on each primary elevation shall not exceed one of the following:

(aa) For a single tenant building:

(CC) If ~~[individually mounted letters are]~~channel construction is used for all the signs, the maximum area of all signs on the primary elevation shall be determined in accordance with Table 19.115.02.1.

(bb) For a multiple tenant building:

(BB) If ~~[individually mounted letters are]~~channel construction is used for all of the signs, the maximum area of all signs on the primary elevation shall be determined in accordance with Table 19.115.02.1.

(ii) **Secondary Elevation.** The maximum sign surface area for all building identification signs on the secondary elevation shall not exceed the signage on the primary elevation and shall not exceed one of the following:

(aa) For a single tenant building:

(CC) If ~~[individually mounted letters are]~~channel construction is used for all of the signs, the maximum area of all signs on the secondary elevation shall be ten percent of the elevation up to a maximum of four hundred square feet.

(bb) For a multiple tenant building:

(BB) If ~~[individually mounted letters are]~~channel construction is used for all of the signs, the maximum area of all signs on the secondary elevation shall be determined in accordance with Table 19.115.02.2.

SEC. 19.121. SIGNS FOR HOTELS.

(b) **Identification Signs.** Identification signs shall be located on the site of the use and shall comply with the following standards:

(2) **Wall Signs.**

(C) Hotels with seven (7) or more stories shall have ~~[individual letters]~~channel construction signs.

(3) **Porte Cochere Signs.** For each porte cochere, a hotel shall be permitted three (3) face-mounted porte cochere hotel identification signs not to exceed twenty (20) square feet in area each. Each sign shall be mounted on a separate side. Illumination shall be permitted. See Section 19.108(d) and Section 21.301.07(c)(5) for additional provisions on illumination and luminance. If a hotel's wall sign(s) is ~~[individual letters]~~channel construction, the porte cochere sign shall also be ~~[individual letters]~~channel construction.

(c) **Accessory Uses.**

- (2) If ~~[individually mounted letters are]~~ channel construction is used for the accessory use sign, the sign area per accessory use shall not exceed sixty (60) square feet and the total allowable signage for all accessory uses per face shall not exceed one hundred (100) square feet.

(~~[d]~~e) **Uniform Sign Design.** A Uniform Sign Design is required. See Section 19.109 for requirements.

SEC. 19.122. SIGNS FOR CLASS I (NEW) MOTOR VEHICLE SALES.

- (c) **Identification Signs.** Identification signs shall be located on the site of the use. In addition to the regulations of Section 19.122(b), Total Site Signage, building identification signs shall comply with the following standards:

- (2) **Wall Signs.** All identification signs shall be located on the site of the use.
(A) **Maximum Size and Number of Signs.**

- (iii) Wall signs shall ~~[use individual letters]~~ be of channel construction.

- (3) **Other Building Identification Signs.**

- (B) **Window signs.** Signs within a retail display window or attached thereto shall occupy a maximum of ~~[thirty]~~twenty-five percent (~~[30]~~25%) of each retail display window.

SEC. 19.123. SIGNS FOR GASOLINE SERVICE STATIONS.

- (c) **Identification Signs.** All identification signs shall be located on the site of the use. In addition to the regulations of Section 19.123(b), Total Site Signage, building identification signs shall comply with the following standards:

- (3) **Other Building Identification Signs.**

- (B) **Window Signs.** Signs within a retail display window or attached thereto shall occupy a maximum of ~~[thirty]~~twenty-five percent (~~[30]~~25%) of each retail display window.

SEC. 19.124. SIGNS FOR OFFICE BUILDINGS WITH SEVEN (7) OR MORE STORIES.

- (b) **Identification Signs.** Identification signs shall be located on the site of the use and comply with the following standards:

(2) **Wall Signs.**

- (B) All signs shall be ~~[individual letters]~~channel construction and shall be mounted within twenty (20) feet of the top of the wall on which the sign is located, but in no event shall it extend above the wall. If the signs are illuminated, they shall be internally illuminated. See Section 19.108(d) and Section 21.301.07(c)(5) for additional provisions on illumination and luminance.

- (3) **Porte Cochere Signs.** Each office building of seven (7) or more stories shall be permitted, per porte cochere, three (3) face-mounted porte cochere identification signs not to exceed twenty (20) square feet in area each. Each sign shall be mounted on a separate side and illumination shall be permitted. See Section 19.108(d) and Section 21.301.07(c)(5) for additional provisions on illumination and luminance. If an office building's wall sign(s) is ~~[individual letters]~~channel construction, the porte cochere signs shall also be ~~[individual letters]~~channel construction.

- (c) **Accessory Uses.** All signs for accessory uses shall be located on the site of accessory use.

- (2) If ~~[individually mounted letters are]~~channel construction is used for the accessory use sign, the sign area per accessory use shall not exceed sixty (60) square feet and the total allowable signage for all accessory uses per elevation shall not exceed one hundred (100) square feet.

SEC. 19.125.02. SIGNS FOR COLLEGE CAMPUSES AND SCHOOLS (K-12).

- (a) **Purpose.** The City Council finds that signage for college campuses and schools (K-12) present unique communication needs and concerns. Therefore, the following standards shall apply to college campus and school (K-12) sites of 10 acres or more in size. These standards shall take precedent over the standards in the underlying sign district.
- (b) **Identification Signs.** Identification signs shall be located on the site of the use and shall comply with the following standards:
- (1) Freestanding Identification Signs for College Campuses. Schools (K-12) follow standards within respective sign district.

- (2) Wall Identification Signs for College Campuses. Schools (K-12) follow standards within respective sign district.

- (A) **Maximum Number and Size.** Wall signs, consisting of ~~[individual letters]~~channel construction, shall be permitted on each building elevation provided the total amount of signage does not exceed one (1) square foot per one lineal foot of elevation. See Section 19.107(f) for computation of elevation area.

- (3) **Directional Identification Signs.**

- (A) **Maximum Number.** One (1) directional identification sign shall be allowed for each entrance into the college campus or school from a public street. See Section 19.116 for regulations regarding other directional signs.

- (4) Accent Signs. These include specially designed signs, such as banners, intended to enhance campus or school identity and visual character.
- (A) Location. Accent signs may be located along the campus or school site perimeter and/or within the campus or school site. Accent signs should be located in developed areas of the campus or school site and shall not be placed in or adjacent to undeveloped and/or natural areas within the campus or school site boundaries.
- (B) Maximum Number. A maximum of one accent sign per two (2) acres of total campus or school site area shall be allowed. Accent signs located 30 feet or less from the property line, along the same side of a street, shall be spaced a minimum of two hundred (200) feet apart.

SEC. 19.126.4. COMPUTATION OF SIGN SURFACE AREA OF INDIVIDUAL SIGNS OF ~~INDIVIDUALLY MOUNTED LETTERS OR SYMBOLS~~ CHANNEL CONSTRUCTION, ~~AND~~ JAWNING, AND CANOPY SIGNS

Section 7. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

SEC. 21.301.06. PARKING AND LOADING.

- (d) **Number of off-street parking spaces required.**
- (1) The minimum number of off-street parking spaces provided within a development must meet the provisions of this subsection, varying by land use as provided in the following table. If more than one land use is present on a site, the required parking is determined by adding together the required number of parking spaces for each use.
- If the number of off-street parking spaces results in a fraction, each fraction of one-half or more will constitute another space required. A lesser number of constructed off-street parking spaces may be allowed through flexibility measures (see Section 21.301.06(e) of this Code, parking reduction flexibility measures). The requirements for off-street surface parking space dimensions are set forth in Bloomington Code Section 21.301.06(c).

MINIMUM OFF-STREET PARKING REQUIREMENTS	
RESIDENTIAL	
Single Family	Four spaces per dwelling unit, two of which are within a garage <u>(for construction after 6/1/2015)</u> or area that could be occupied by a garage <u>(for construction before 6/1/2015)</u>

- (e) **Parking reduction flexibility measures.**
- The City Council may reduce the number of required off-street parking spaces, except for single family and two family residential off-street parking, through the following flexibility measures when the

applicant demonstrates in documented form that parking demand will likely be less than required by this Chapter. The Planning Commission and City Issuing Authority may reduce the number of required off-street parking spaces, except for single-family and two-family residential off-street parking, through the proof of parking flexibility measure.

(i) **Single Family and Two Family Residential Driveways and Off-Street Parking.**

- (1) **Driveway location.** New driveways may not be constructed and existing driveways may not be expanded unless they lead directly to and connect with a garage. A driveway is required to the primary garage on a site. If there is a second garage on the site, a connecting driveway to the second garage is optional, unless regular use dictates the driveway. If there is no garage present on a site, a maximum of one driveway may be constructed provided it leads to a location where a garage could legally be constructed and the length of the driveway does not exceed 50 feet or the maximum distance of the front façade of the principal building from the property line, whichever is greater.

- (5) **Off-drive parking areas.** The construction of new or the expansion of existing off-drive parking area must comply with the following standards and is allowed only when the cumulative total width of all driveways on site is 26 feet or less. See Figure 21.301.06(i)(12)(A).

- (E) The 35 percent maximum impervious surface coverage requirement must be met for all single family sites as specified in Section ~~[s 19.27(f)(2) and 19.27.01(f)(1)(B)]~~ 21.301.01(c)(1) of this Code;

- (6) **Off-drive turnaround areas.** The construction of new or the expansion of existing off-drive turnaround (hammerhead) area must comply with the following standards and is allowed only when the total width of the driveway and any adjacent off-drive parking area at a given point does not exceed 36 feet. See Figure 21.301.06(i)(12)(A).

- (C) The 35 percent maximum impervious surface coverage requirement must be met for all single family sites as specified in Section ~~[s 19.27(f)(2) and 19.27.01(f)(1)(B)]~~ 21.301.01(c)(1) of this Code;

SEC. 21.301.08. FENCES.

- (j) **Permit.** Fence installations, alterations or repairs do not require a permit, with the following exceptions:
- (1) A fence greater than ~~[six]~~ seven feet in height, where permitted by this Code, requires a building permit from the City Building and Inspection Division prior to installation.

SEC. 21.301.09. TRANSPORTATION DEMAND MANAGEMENT (TDM).

- (c) **TDM Plan Requirements.** Mandatory TDM Plan requirements for the two levels include:

- (1) Tier 1 TDM Program.
- (A) A TDM study prepared by a qualified traffic consultant that includes:
- (i) A description of the projected transportation and parking impacts of the development at full site development, forecasts of SOV trips generated and the likely timing of those trips, and anticipated parking demand. The TDM study must be conducted in accordance with accepted methodology approved by the Director of Public Works or the Director's designee. If determined to be a Special Study subject to the requirements of City Code Section ~~[19.14(b)(5)]~~ 21.502.01(h), the traffic study must be prepared by an independent traffic engineering professional under the

supervision of the Director of Public Works or the Director's designee, and paid for by the applicant.

SEC. 21.301.10. HEIGHT.

(b) Height Limits.

- (1) Buildings and structures other than towers.

- (B) Single and two-family residential uses. In addition to the height limits map, all sites with single and two-family residential uses must also meet the following additional height limitations:

- (iv) beyond the 20 foot side setback line, building height must not exceed 40 feet on facades facing a street. Facades that do not face a street have no height limit beyond the 20 foot side setback line;
- (v) flat roofed buildings must not exceed 30 feet in height on facades facing a street~~at any point on a site~~; and

Division B. Use Standards

SEC. 21.301.19. ACCESSORY STRUCTURES.

(e) Maximum Size.

Zoning District	Parcel Size	Maximum Size	Special Regulations
Single-family Districts R-1, R-1A, RS-1	15,000 square feet or less	1,120 sq. ft. for garages and accessory structures combined; however, the combined area may not exceed the ground floor area of the permanent four season living area plus 120 sq. ft.	(1) Notwithstanding the maximum size provisions, each single-family dwelling may have a garage structure with a total floor area of up to 600 feet.
	Greater than 15,000 square feet	1,120 sq. ft. plus an amount of floor area equal to five percent of lot area above 15,000 sq. ft., up to a maximum of 2,000 sq. ft. for garages and accessory structures combined; however, the combined area may not exceed <u>the ground floor area of the permanent four season living area plus 120 sq. ft.</u>	(2) Exception for tuck under garages. In those instances where all garage space and accessory storage space on a site is attached to and located below floor area used for permanent four season living area, there is no limit on the amount of garage floor area. In these instances, the total floor area of all detached accessory buildings is limited to 120 square feet.

(g) Approvals and Permits.

- (2) No accessory building occupying an area greater than ~~[420]~~200 square feet may be constructed, erected, or installed without a building permit issued by the Issuing Authority.

SEC. 21.302.04. TWO-FAMILY DWELLINGS.

(c) **Standards.**

- (12) Accessory Buildings. Accessory buildings on two-family dwelling sites are limited to one per unit, must not exceed 120 square feet per building and must meet the standards of City Code Section ~~[19.50.02]~~21.301.19.

SEC. 21.302.06. INSTITUTIONAL USE STANDARDS.

(b) **Standards.**

- (2) Maximum Floor Area Ratio. All institutional uses must not exceed the following floor area ratio standards, which vary by zoning district and street adjacency.

	Maximum Floor Area Ratio	
	When Adjacent to Arterial or Collector Street	When not Adjacent to Arterial or Collector Street
Single-family Districts R-1, R-1A, RS-1	0.35	0.20
Multi-family Districts R-3, R-4, RM-12, RM-24	0.50	0.35
Multi-family District RM-50, RM-100	1.00	0.50
Other Districts Without District Based Standards [B-3,] I-1, I-2, I-3, FD-1, FD-2, SC	0.50	0.50
All Other Districts	See District Requirements	See District Requirements

SEC. 21.302.07. SINGLE-FAMILY RESIDENTIAL.

(b) **Standards.**

- (3) Garages. Single-family dwellings constructed after 6/1/2015 must provide at least two parking spaces within a fully attached or detached garage.

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

Division A. Approvals and Permits

SEC. 21.501.01. FINAL SITE AND BUILDING PLANS.

(c) **Review and Approval.**

- (3) The Planning Commission will review and make a recommendation and the City Council will review and act upon any final site and building plan applications related to an associated conditional use permit, interim use permit, variance, rezoning or comprehensive plan amendment application when City Council review is required for the related application.

Division B. Application Processes and Fees

SEC. 21.502.01. APPLICATION PROCESSES AND FEES.

(c) **Application Processes and Fees.**

Application Process	Review and Decision Making Authority					Notice		Fee
	DRC	ST	HE	PC	CC	N	Mail	

Planned Developments

<u>Time Extension on Expiration</u>		[DM]						[\$170]
Final Site and Building Plans								

<u>Time Extension on Expiration</u>		[DM]						[\$170]
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Miscellaneous								
RV Permit		R	DM				200	\$130
RV Permit Renewal		R	DM				200	\$130
<u>RV Permit sent directly to Planning Commission</u>		<u>R</u>		<u>R</u>	<u>DM</u>	<u>N</u>	200	\$210
Change in Condition sent directly to City Council		R			PH DM	N	500	\$220*

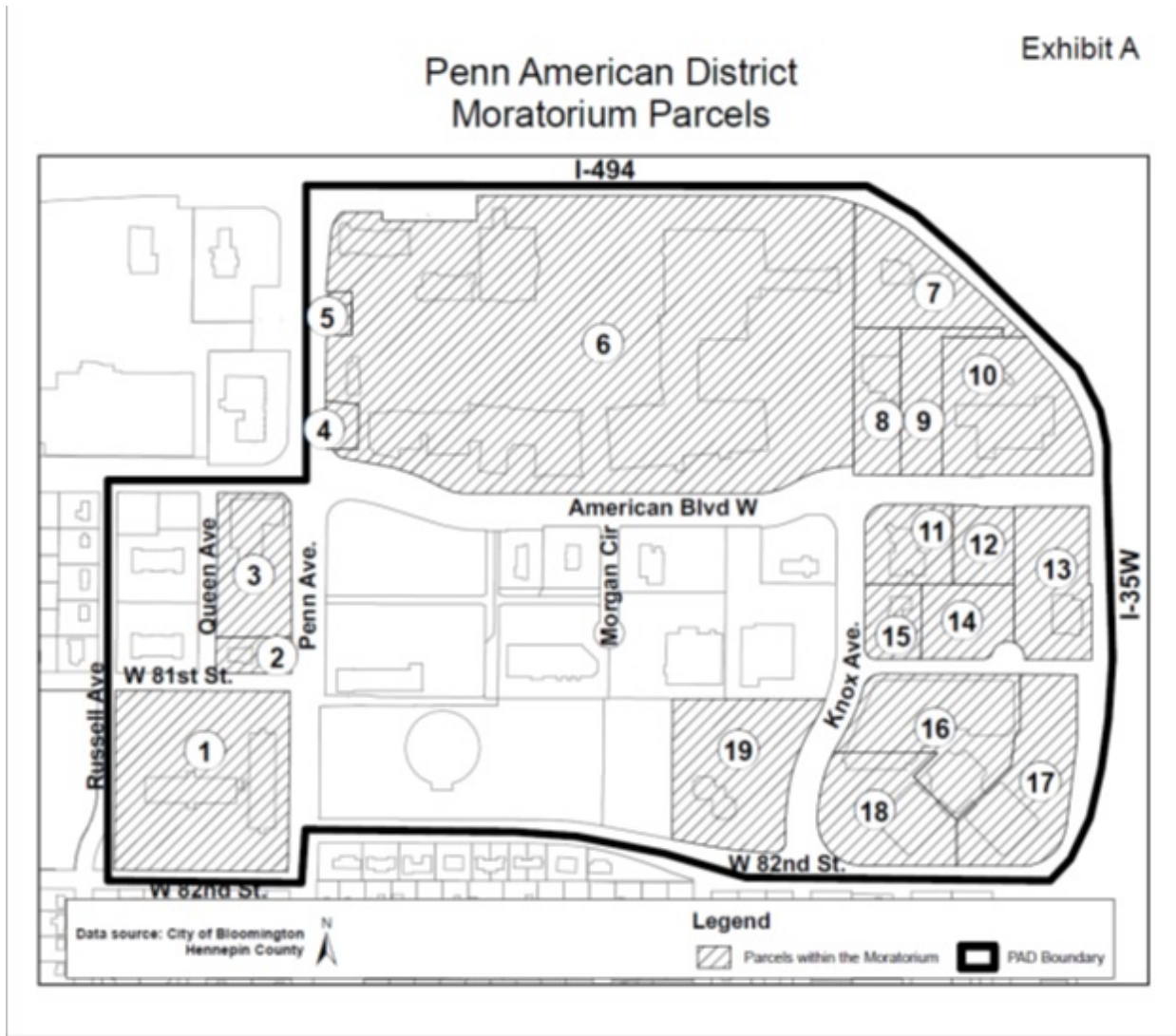
Tent/Canopy – Request for Time Extension		R			PH DM	N		\$100
<u>Time Extension on Expiration</u>		<u>DM</u>						\$170
<u>Driveway Permit</u>		<u>DM</u>						\$55

Division E. Moratoria

SEC. 21.505. MORATORIA.

- (b) ~~Reserved.~~ **[Penn American District Moratorium.]** A moratorium is hereby adopted for portions of the Penn American District as follows:
- (1) ~~**Findings and Purpose.**~~ Whenever the City engages in the process of studying significant changes to its Comprehensive Plan and corresponding zoning controls, as in conjunction with a District Plan, it is in the public interest and public health, safety and welfare, that the City carefully study and consider the adequacy and effectiveness of its existing zoning and Comprehensive Plan regulations in implementing the intent of the District Plan, as well as study and consider amendments to those regulations. For the Penn American District, the implementation study will include the consideration, identification and evaluation of myriad issues related to the application of new official controls within the District. During the course of such a study and amendment process it is critical that the City's planning process be protected.
 - (2) ~~**Effect of Moratorium.**~~ For the duration stated herein and until the City has completed a study of the area covered by the District Plan or proposed District Plan and adopted any amendments to its Comprehensive Plan or other official controls deemed necessary or appropriate to effectuate the aforementioned purpose, intent and findings of this Section, and the vision and goals of the District Plan, the City shall not accept, issue or process any new development or land use applications, including but not limited to Comprehensive Plan amendments, rezoning, preliminary development plans, final development plans, final site and building plans, conditional use permits, preliminary plats, final plats or variances within the portions of the area within the District Plan identified in subsection (g) of this Section that have not been rezoned to match the vision of the District Plan. Any development or land use applications accepted but not acted upon by the City prior to the effective date of this Section within the area set forth below shall not be approved by the Planning Commission or City Council. Notwithstanding the foregoing provisions of this Section, the moratorium shall not apply to the following:
 - (i) The issuance of building, grading, demolition and related permits;
 - (ii) Construction of any public improvements, including underground and above-ground utilities and local and regional transportation facilities;
 - (iii) Expansion of a building or structure or accessory structure or appurtenant equipment provided the expansion is no greater than five percent of the floor area of the building or structure;
 - (iv) Interior improvements or alterations of buildings or structures;
 - (v) Improvement or alteration of the facade of a building or structure;
 - (vi) The colocation of antennas and associated equipment upon existing structures;
 - (vii) Interim Use Permits;
 - (viii) Conditional Use Permits for uses within existing buildings;
 - (ix) Administrative approvals; or
 - (x) City initiated applications.
 - (3) ~~**Study.**~~ During the period of this moratorium, City staff will conduct a study of the regulatory controls, including nonconformity provisions, that may need to be adopted or revised to achieve the vision of the District Plan and protect the public health, safety and welfare related to the aforementioned purpose, intent and findings. In addition, the City staff shall study the Comprehensive Plan to determine whether amendments to the Comprehensive Plan are necessary and appropriate.
 - (4) ~~**Duration.**~~ The Penn American District moratorium shall expire, without further action of the City Council, one year from its effective date. In the alternative, it may be repealed earlier if the Council determines that the requisite studies have been completed and adopted and that appropriate evaluation and action, including any necessary revisions to the City Code, official controls and/or Comprehensive Plan, have been finalized and adopted by the City Council. The duration of any moratorium established under this Section may be extended by adoption of an amendment hereto for a total time not to exceed the limits set forth in Minnesota Statutes Section 462.355, subd. 4, as amended from time to time.

- (5) **Moratorium Declaration and Applicability.** The City Council specifically finds and declares that the findings, intent and purpose of this Section of City Code applies to following described and depicted area, which is part of the Penn and American District Plan, which envisions and guides development of higher intensity, transit-oriented, mixed use development to locations near highway interchanges and significant planned transit investments. City staff is directed for the duration of this moratorium to carefully study and consider the adequacy and effectiveness of the existing zoning and Comprehensive Plan regulations in this area to further this new vision, as well as to study and consider amendments to those regulations. The City Council further finds that it is critical to the successful implementation of the Penn and American District Plan that this planning process and study be protected by a moratorium. The area to which this Section applies is as follows:



MAP #	PID #	ADDRESS	OWNER NAME	PLAT NAME	BLOCK	LOT
1	0502724140024	8100 PENN AVE S	SOUTHTOWN OFFICE PARK LLP	BRUNTJEN 1ST ADDN	001	001
2	0502724140002	8040 PENN AVE S	BLOOMINGTON CJD R E LLC	METES AND BOUNDS		
3	0502724140001	8000 PENN AVE S	BLOOMINGTON CJD R E LLC	METES AND BOUNDS		
4	0402724220010	7999 PENN AVE S	THE J & J ANDERSON FMI TR LP	JIFFY LUBE ADDN	001	001
5	0402724220012	7901 PENN AVE S	R J MOLNAU & P M MOLNAU TRST	SOUTHTOWN SHOPPING CENTER 4TH ADDN	001	001
6	0402724220011	7803 PENN AVE S	KRAUS ANDERSON INC	SOUTHTOWN SHOPPING CENTER 3RD ADDN	001	001
7	0402724210004	1800 AMERICAN BLVD W	KRAUS ANDERSON INC	SOUTHTOWN SHOPPING CENTER 2ND ADDN	001	002
8	0402724210001	1750 AMERICAN BLVD W	KRAUS ANDERSON INC	HAROLDS ADDN	001	001
9	0402724210002	1700 AMERICAN BLVD W	BLOOMINGTON SOUTHTOWN PROPS	HAROLDS ADDN	001	002
10	0402724210003	1601 SOUTHTOWN DR	BLOOMINGTON SOUTHTOWN PROPS	HAROLDS ADDN	001	003
11	0402724240030	1701 AMERICAN BLVD W	THE LUTHER COMPANY LLLP	HYUNDAI ADDN	001	001
12	0402724240034	1601 AMERICAN BLVD W	THE LUTHER COMPANY LLLP	INFINITI SATURN ADDN	001	003
13	0402724240033	8030 HUMBOLDT AVE S	THE LUTHER COMPANY LLLP	INFINITI SATURN ADDN	001	002
14	0402724240032	1600 81ST ST W	THE LUTHER COMPANY LLLP	INFINITI SATURN ADDN	001	001
15	0402724240029	8033 KNOX AVE S	THE LUTHER COMPANY LLLP	PANNEKOEKEN HUIS ADDN	001	002
16	0402724240027	8101 KNOX AVE S	FFII MN SP LLC	SOUTHPOINT OFFICE CENTER	001	003
17	0402724240025	1600 82ND ST W	FFII MN SP LLC	SOUTHPOINT OFFICE CENTER	001	001
18	0402724240026	1700 82ND ST W	FFII MN SP LLC	SOUTHPOINT OFFICE CENTER	001	002
19	0402724240017	8100 KNOX AVE S	KPS LLC	RESERVOIR PARK 2ND ADDN	001	003

~~(6) **Effective Date.** In order for this Section to apply to the area set forth above to any and all development or land use applications between the time of its adoption and its publication, the ordinance must be effective immediately upon adoption. Therefore, the City Council designates this Ordinance as an Emergency Ordinance pursuant to Section 3.06 of the City Charter to~~

~~protect the integrity of the moratorium and to preserve the health, welfare and safety of the public.]~~

Section 8. That Chapter 22 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 22

SUBDIVISION AND PLATTING

Division C. Process

SEC. 22.04. TYPES OF PLATS.

- (a) **Type I Plats (Minor Plat Approval).** Type I Plats are plats that ~~[do not require a zoning variance or platting variance,]~~ do not require any public improvements ~~[or the dedication of right of way,]~~ and include any of the following:
- (1) Lot line adjustments. The adjustment of a lot line by the relocation of a common boundary between two lots;
 - (2) Two-family dwelling lot split. The splitting of one lot containing adjoining dwellings into two lots each containing one of the adjoining dwellings. The new lot line must be within the common wall of the structure;
 - (3) The platting of a metes and bounds parcels into platted lots with no change in lot line location;
 - (4) The replatting of an addition, with no change in lot line location, for the sole purpose of renaming the addition; or
 - (5) Any single or two family residential lot combinations that results in equal or fewer dwelling units.
- (b) **Type II Plats (Expedited Plat Approval).** Plats that do not meet Type I definitions but meet all of the following conditions are Type II plats:
- (1) The plat is non-residential and contains no more than six parcels;
 - (2) The plat is in an area where municipal utilities are available; and
 - (3) The plat does not require new public streets for access to its lots.;
 - ~~(4) The plat is not accompanied by an application for a comprehensive plan amendment or rezoning; and~~
 - ~~(5) The plat does not require a zoning variance or platting variance.]~~

SEC. 22.05. PRELIMINARY PLATS.

- (c) **Review and Approval.**

- (2) **Upon Application:**
- (A) Type I and II preliminary plats - must be reviewed and acted upon by the City Council. ~~[Planning Manager. In the event the Type I preliminary plat is denied by the Planning Manager, the applicant may appeal the decision to the City Council by submitting an appeals request with supporting materials within ten business days of the decision.]~~
 - ~~(B) Type II preliminary plats - must be reviewed and acted upon by the City Council.]~~
 - (B[C]) Type III preliminary plats - must first be reviewed by the Planning Commission who will make a recommendation, and then be reviewed and acted upon by the City Council.

SEC. 22.06. FINAL PLATS.

(c) **Review and Approval.**

~~[(1) Type I final plats must be reviewed and acted upon by the City Engineer. In the event the Type I final plat is denied by the City Engineer, the applicant may appeal the decision to the City Council by submitting an appeals request with supporting materials within ten business days of the decision.]~~

(1[2]) Type I, II, and III final plats - must be reviewed and acted upon by the City Council.

SEC. 22.08. APPLICATION PROCESSES AND FEES.

(b) **Table Key.** The following labeling conventions apply to the table in this Section:

- (1) DRC means Development Review Committee;
- (2) ST means staff;
- (3) PC means Planning Commission;
- (4) CC means City Council;
- (5) N means that a public notice is required to be published in the official newspaper;
- (6) R means review is required by the noted group;
- (7) PH means that a public hearing is required by the noted group;
- (8) DM means that the noted group has final decision making authority;
- (9) V means that the review of the noted group varies - consult the applicable ordinance section; and
- (10) Any number listed in the Mail column represents the number of feet out from the applicant's site to which direct mail notice is required to be sent for that particular application.

(c) **Application Processes and Fees.**

Application Process	Review and Decision Making Authority				Notice		Fee
	DRC	ST	PC	CC	N	Mail	
Preliminary Plat – Type I	R	[DM]R		DM			[\$200]250
Preliminary Plat – Type II	R	R		PH DM	N	500	\$700 plus \$90 per lot
Preliminary Plat – Type III	R	R	PH	DM	N	500	\$800 plus \$90 per lot
Final Plat – Type I		[DM]R		DM			[\$200]250
Final Plat – Type II and III	R	R		DM			\$400 plus \$20 per lot
Platting Variance	R	R	V	PH DM	N	500	\$610
Extension of plat approval	R	R		DM			\$150

Passed and adopted this 18th day of May, 2015.



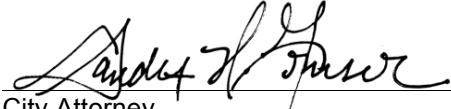
Mayor

ATTEST:



Secretary to the Council

APPROVED:



City Attorney